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Security Council Committee established pursuant to resolution 1540 (2004)

Note verbale dated 15 January 2014 from the Permanent Mission of Lesotho to the United Nations addressed to the Chair of the Committee

The Permanent Mission of the Kingdom of Lesotho to the United Nations presents its compliments to the Security Council Committee established pursuant to resolution 1540 (2004) and has the honour to present herewith the report of Lesotho on the implementation of the resolution (see annex).

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Annex to the note verbale dated 15 January 2014 from the Permanent Mission of Lesotho to the United Nations addressed to the Chair of the Committee

The present report has been prepared in accordance with paragraph 4 of the Security Council resolution 1540 (2004) for submission to the Security Council Committee established pursuant to the same resolution which states that

> in accordance with rule 28 of its provisional rules of procedure, for a period of no longer than two years, a Committee of the Security Council, consisting of all members of the Council, which will calling as appropriate on other expertise, report to the Security Council for its examination, on the implementation of this resolution, and to this end calls upon States to present a first report.

The Government of the Kingdom of Lesotho expresses its commitment to the principles of the maintenance of international peace and security and the promotion of friendly relations and cooperation among States. Lesotho affirms its support to resolution 1540 (2004). A Technical Committee on the implementation of the resolution has recently been established that will oversee the full implementation of the resolution as well as related obligations of the resolution.

Lesotho does not develop, acquire, manufacture, possess, transport, transfer or use nuclear, chemical or biological weapons or their means of delivery, nor does it provide any form of support to non-State actors that attempt to develop, acquire, manufacture, possess, transport, transfer or use nuclear, chemical or biological weapons and their means of delivery. Lesotho has signed/ratified/acceded to a number of anti-terrorism conventions, namely:

- Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms Located on the Continental Shelf (June 2013)
- Protocol to the OAU Convention on the Prevention and Combating of Terrorism (September 2012)
- Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation (November 2011)
- Convention on the Physical Protection of Nuclear Material (August 2010)
- Protocol for the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation (June 2010)
- International Convention for the Suppression of Acts of Nuclear Terrorism (September 2010)
- Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents (November 2009)
- Convention on the Marking of Plastic Explosives for the Purpose of Detection (November 2009)
- Amendment to the Convention on the Physical Protection of Nuclear Material (September 2012)
- OAU Convention on the Prevention and Combating of Terrorism (March 2002)

- International Convention for the Suppression of Terrorist Bombings (November 2001)
- International Convention for the Suppression of the Financing of Terrorism (November 2001)
- Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction (December 1994)
- International Convention against the Taking of Hostages (April 1980)
- Convention for the Suppression of Unlawful Seizure of Aircraft (July 1978)
- Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation (July 1978)
- Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on their Destruction (1977)
- Convention on Offences and Certain Other Acts Committed on Board Aircraft (April 1972)
- Geneva Protocol for the Prohibition of the Use in War of Asphyxiating, Poisonous or Other Gases, and of Bacteriological Methods of Warfare (1972)

Lesotho is in the process of developing anti-terrorism legislation, which is still at its drafting stage. The legislation will criminalize terrorism and provide for the prohibition of terrorist activities, including participating in terrorist activities as an accomplice and assisting or financing terrorist activities. Law enforcement agencies have participated and are being trained on a number of anti-terrorism programmes, to name but a few: seminars on security for major events; seminars on anti-terrorism for developing countries; seminars on international anti-terrorism issues and policy; Southern African Regional Police Chiefs Cooperation Organisation (SARPCCO) counter-terrorism course; SARPCCO counter-terrorism training of trainers; and Special Operations Combating Terrorism.

Lesotho also became a member of the Eastern and Southern Africa Anti-Money-Laundering Group in August 2003. The Group was launched at a meeting of Ministers and high-level representatives in Arusha, United Republic of Tanzania, in August 1999. A memorandum of understanding was signed by seven of the potential members and the Group came into formal existence. Lesotho was evaluated in 2010 on anti-money-laundering and combating of financing of terrorism legislation and institutional framework by the Group and experts of the Group. The evaluation was based on the Financial Action Task Force Forty Recommendations and Nine Special Recommendations on Terrorist Financing.

The Anti-Money Laundering and Combating the Financing of Terrorism National Coordinating Committee, which was established in July 2011 by the Cabinet, is a forum responsible for the discussion of policy issues and coordination of anti-money-laundering and combating of financing of terrorism activities. The Money Laundering and Proceeds of Crime Act 4 of 2008 established two important bodies, the Financial Intelligence Unit and the Anti-Money-Laundering Authority. Pursuant to the Act, the Directorate on Corruption and Economic Offences established in terms of the Prevention of Economic Offences Act 1999 is designated as the Anti-Money-Laundering Authority.

These bodies are very active in their work towards combating acts of terrorism. For instance the Financial Intelligence Unit is a central national agency responsible for receiving, requesting, analysing and disseminating to law enforcement agencies and supervisory bodies disclosure of financial information concerning suspected proceeds of crime and alleged money-laundering and terrorist financing offences with the aim of combating money-laundering, terrorist financing and related financial crimes.

Lesotho's legislation provides for appropriate laws and regulations to control export, transit, trans-shipment over such items, including enforcement of appropriate criminal or civil penalties for. violations of such export control laws and regulations. There are border controls and law enforcement efforts to detect, deter, prevent and combat, including through international cooperation, the illicit trafficking and brokering in such items in accordance with national legal authorities and legislation consistent with international law.

Lesotho, in its continuing support to resolution 1540 (2004) has enacted, among others, the following legislation:

1. Penal Code Act No. 6, 2012. This Act criminalizes acts of manufacturing, possession, acquisition, transport, supply or use of weapons, explosives or of nuclear, biological or chemical weapons, as well as research into, and development of biological and chemical weapons.

2. Money Laundering and Proceeds of Crime Act No. 4 of 2008. The purpose of the Act is to enable the unlawful proceeds of all serious crimes to be identified, traced, frozen, seized and eventually confiscated; and to require accountable institutions to take prudential measures to help combat money-laundering. This Act also criminalizes acts of terrorism.

3. Chemical Weapons Act No. 5 of 2005. The purpose of the Act is to make provision for giving effect to certain obligations of the Kingdom of Lesotho as a party to the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction, and for related matters. It establishes a legal framework for inspection and for the seizure and forfeiture of goods controlled and prohibited under the Convention and provides for penalties for violators. The Act authorizes the Minister to designate a National Authority on chemical weapons within a department, organ or unit of Lesotho's security establishment. Such National Authority is already in operation and meets every month. The Act also grants the Minister the authority to adopt regulations.

Other national laws that Lesotho has in place for the implementation of resolution 1540 (2004):

- The National Security Service Act No. 11 of 1998
- Export and Import Control Act, 1984 (amended 1996)
- The Internal Security (General) Act No. 24 of 1984 as amended
- Customs and Excise Act 10 of 1982
- Customs and Excise Regulations, as amended in 2012 (Regulations 10)

Furthermore, Lesotho became a member of the International Atomic Energy Agency (IAEA) in 2009. Lesotho entered into a technical cooperation programme with IAEA. Through the programme, IAEA helps Lesotho to build, strengthen and maintain capacities in the safe, peaceful and secure use of nuclear technology in support of sustainable socioeconomic development.

Under the auspices of IAEA, Lesotho has signed/ratified/acceded to a number of Agreements. These include:

- Amendment to the Convention on the Physical Protection of Nuclear Material (September 2012)
- Protocol Additional to the Agreement between Lesotho and IAEA for the Application of Safeguards in connection with the Treaty on the Non-Proliferation of Nuclear Weapons (April 2010)
- Revised Supplementary Agreement for the Provision of IAEA Technical Cooperation (September 2010)
- African Regional Cooperative Agreement for Research, Development and Training Related to Nuclear Science and Technology (September 2010)
- Convention on the Physical Protection of Nuclear Material (August 2010)
- African Nuclear-Weapon-Free Zone Treaty (Pelindaba Treaty) (March 2002)
- Comprehensive Nuclear-Test-Ban Treaty (September 1999)
- Treaty on the Non-Proliferation of Nuclear Weapons (March 1970)

Lesotho, in its continuing effort to fulfil its obligations under the resolution has a draft Bill on Nuclear Protection Authority. The objective of the Bill is to establish a comprehensive national legal framework essential to ensure the safe and peaceful uses of nuclear energy and to domesticate international instruments in the field of nuclear energy ratified or acceded to by Lesotho. The Bill is a product of close collaboration between Lesotho and IAEA. The Lesotho drafting team presented the Bill before IAEA in Vienna and it was approved.

Lesotho also became a member of the Illicit Trafficking Database in September 2013. The database deals with the illicit movement of radioactive and nuclear materials. Furthermore, in February 2013, Lesotho joined the Integrated Nuclear Security Support Plan with IAEA. The objective is to build capacity of personnel in the security sector on nuclear security.